

MEMORANDUM

Engineering Department



DATE: September 14, 2018
TO: Mayor and City Council
THROUGH: Julie Edmonds-Mares, City Manager *JEM*
FROM: Steve Erickson, Engineering Director/City Engineer
SUBJECT: SB 1383 (Lara) – Super Pollutants

At the August 21, 2018 City Council meeting, Mayor Tran requested an update on SB 1383 (Lara) Super Pollutants, which was signed into law by Governor Brown September 19, 2016.

SB 1383 (Lara, Chapter 395, Statutes of 2016), establishes methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants (SLCP) in various sectors of California's economy. SB 1383 identifies methane emissions resulting from the decomposition of organic waste in landfills as a significant source of greenhouse gas emissions contributing to global climate change.

As it pertains to CalRecycle, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. Detailed information about SB 1383 is provided in the attached factsheet.

With the new solid waste contract put in place in December 2017, the City of Milpitas already has a source separated recycling program in place that offers food waste recycling for single and multi-family residences as well as businesses. Thus, the City is well positioned to meet its contribution to the statewide targets of 50 percent reduction by 2020 and 75 percent reduction by 2025 with food waste and yard trimmings recycling.

Factsheet

SB 1383 (Lara) – Super Pollutants

Summary: This bill, signed into law by Governor Brown September 19, 2016, creates goals for short-lived climate pollutant (SLCP) reductions in various industry sectors, this includes reduction goals for black carbon, fluorinated gases, and methane. The methane emission reduction goals include a 75% reduction in the level of statewide disposal of organic waste from 2014 levels by 2025.

Description: This bill requires the State Air Resources Board to adopt a strategy to reduce emissions of SLCPs, also known as Super Pollutants, in order to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030.

SLCPs are powerful greenhouse gases are much more potent than carbon dioxide and have dramatic and detrimental effects on human health and climate change. Reducing these emissions will have immediate beneficial impacts on climate and public health.

Organic materials comprise two-thirds of the waste stream and even the best landfills only capture half to three quarters of the gas while they operate, and no gas capture system can capture emissions before it is installed or for the decades after its removal. When managed outside the landfill, these same materials can be made into a valuable soil amendment that sequesters carbon, increases soil water holding capacity, prevents erosion, and reduces the need for, and impacts of, synthetic fertilizers.

SB 1383 establishes a definition for 'Organic Waste': Solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, biosolids, digestate and sludges.

SB 1383 sets a baseline for allowable disposal of organics statewide:

- 50% below 2014 level by 2020
- 75% below 2014 level by 2025

To decrease landfilling to the level required by 2025, generators must source reduce and have access to organic waste (food scraps and yard trimmings) collection and diversion services. Concepts Identified are:

- Local organic waste collection services provided to all residential and commercial generators
- Organic waste recycling bins located where public refuse bins are located (e.g., park trashcans, cafeterias, etc.)
- Reinforce CalGreen Building Standards related to organic waste

This bill also aims to divert 20% of edible food that is currently being disposed of, to be recovered for human consumption by 2025. In addition to avoiding landfill methane emissions, the diversion of edible food from landfills allows for a new opportunity to feed the millions of food insecure Californians. Food waste prevention and rescue programs capture the value of food to be put to better use, creating a more efficient food system.

SB1383 requires local jurisdictions to impose requirements on residents and businesses (referred to as 'generators') or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance. (42652.5(a)(1))

SB1383 includes different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction. (42652.5(a)(4))

SB 1383 reporting includes monitoring program effectiveness and tracking organic waste reduction and methane reduction mandates. Existing reporting systems and databases will be used including the Electronic Annual Report (EAR) for jurisdictions, the Solid Waste Information System for landfill facilities, and the Biomass Conversion Facility Reporting for biomass facilities.

CalRecycle is working on potential enforcement responsibilities to be conducted by local jurisdictions, and Local Enforcement Agencies.

SB1383 shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations. (42652.5(a)(6))